REMARKS

Please reconsider the claims in the application in view of the remarks below. Claims 1 and 15 remain pending in the present application.

The FinalOffice Action rejected claims 1 and 15 under 35 U.S.C § 103 as being unpatentable over Woodard et al. (US 7,032,011), in view of Boxall et al. (US 2003/0046678), Tomoson et al. (US 6,931,523) and Crisan et al. (U.S. Patent Publication 2002/0172372). Both claims 1 and 15 are independent.

According to MPEP §2142, a required prong in establishing a prima facie case of obviousness is that the prior art references when combined must teach or suggest all the claim limitations.

The combination of Woodard et al., Boxall et al., Tomoson et al. and Crisan et al. do not disclose or suggest every element claimed in independent claims as amended. As admitted by the Examiner in the first paragraph on page 12 of the Office Action, Woodard et al., Boxall et al. and Tomoson et al. do not teach or suggest "overrid[ing] user choices according to predetermined parameters of said user configuration" as recited in the independent claims. Rather, the Office Action relies on paragraph [0031] of Crisan et al. as allegedly teaching what is not taught by Woodard et al., Boxall et al. and Tomoson et al. In paragraph [0031], Crisan et al. explicitly states "*the IT administrator can make the decision* for the end user and override the user selection/decision process" (emphasis added). Hence, an IT administrator overrides a user's choice during the user/selection/decision process in Crisan et al. and, although the decision process employed by the IT administrator is not discussed explicitly in Crisan et al., the Applicants presume Crisan et al. teaches reliance on the judgment of the IT administrator to make the decision whether to override a user's choice. The present invention, as recited in the

independent claims, however, automatically overrides a user choices "according to predetermined parameters" as recited in claims 1 and 15.

In the present invention, both claims 1 and 15 have been amended to emphasize the automatic nature of the re-install as the invention operates without human intervention or reliance on human judgment(*e.g.* "*automatically* configuring reinstall information" in line one of claim 1). The benefit of such a system is consistent enforcement of a predetermined configuration policy, a policy that is defined to take into account the needs of all users and defined prior to any decisions by a specific user. Since the system and article of manufacture of claims 1 and 15 each operated without human intervention, user choices are overridden "according to predetermined parameters of said user configuration" (*e.g.*, claim 6). Thus, in contrast with what is taught by Crisan et al., the parameters to override a user's choice are determined *prior* to installation. This is emphasized by the amendments to Claims 1 and 15 that are directed to the user configuration parameters being stored and used for the re-install.

Simply allowing an IT administrator to override a user's choice presupposes reliance on human judgment. Allowing an IT administrator to take an action that is alternative to a user's choice is not the same as allowing a user to render a choice, but prior to the choice take effect, overriding that choice automatically "according to predetermined parameters of said user configuration" as recited in the claims. In addition, the decision made by the IT administrator, in the process suggested by Crisan et al., is made during the installation of the software and hence is not *predetermined* to the installation of that software, because the decision to override a user-choice is made *in response to* a choice made by a user *during* installation.

For at least the above reasons, it is submitted that claims 1 and 15 are patentably distinguishable over Woodard et al., in view of Boxall et al. and Tomoson et al., alone or in combination.

In view of the foregoing, this application is now believed to be in condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner believes a telephone conference might expedite prosecution of this case, applicant respectfully requests that the Examiner call applicant's attorney at (516) 742-4343.

Respectfully submitted,

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